

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SALVADOR VENEGAS,

Plaintiff,

v.

E. MENDOZA, et al.,

Defendants.

Case No. 1:21-cv-00962-KES-EPG (PC)

ORDER DIRECTING PLAINTIFF TO FILE
SCHEDULING AND DISCOVERY
STATEMENT

TWENTY-ONE-DAY DEADLINE

(ECF No. 100)

ORDER DIRECTING CLERK TO SEND
PLAINTIFF COPY OF ORDER REQUIRING
STATEMENTS FROM PARTIES
REGARDING SCHEDULE AND
DISCOVERY (ECF NO. 22)

On February 23, 2024, the Court issued an order requiring the parties to submit scheduling and discovery statements regarding Plaintiff's claims against Defendant Navarro. (ECF No. 100). On March 20, 2024, Defendants filed their scheduling and discovery statement. (ECF No. 104). Defendants indicate they "do not intend to conduct formal discovery concerning the claims asserted against Defendant Navarro, as these issues were sufficiently addressed in discovery completed prior to Navarro's appearance in this case." (*Id.* at 2). However, "Defendant Navarro intends to file a motion for partial summary judgement" and "proposes that the deadline for this motion be set for sixty-days after the close of discovery, assuming that Plaintiff intends to conduct discovery concerning his claims against Navarro." (*Id.*)

Plaintiff did not file a scheduling and discovery statement, and his deadline to do so has passed.¹

The Court will grant Plaintiff an additional twenty-one days to file his scheduling and discovery statement and will direct the Clerk of Court to send Plaintiff a copy of the order requiring statements from parties regarding schedule and discovery. The Court notes that if Plaintiff fails to file his statement within this twenty-one-day period, no further discovery will be permitted.

Accordingly, IT IS ORDERED that:

1. Plaintiff has twenty-one days from the date of service of this order to file his scheduling and discovery statement;
2. If Plaintiff fails to indicate to the Court what, if any, further discovery is needed as to his claims against Defendant Navarro, the Court will set a deadline for dispositive motions regarding Plaintiff's claim against Defendant Navarro without permitting any further discovery.
3. The Clerk of Court is directed to send Plaintiff a copy of the order requiring statements from parties regarding schedule and discovery (ECF No. 100).

IT IS SO ORDERED.

Dated: April 17, 2024

/s/ Eric P. Grogan
UNITED STATES MAGISTRATE JUDGE

¹ The Court's order requiring further discovery statements was served on Plaintiff at his address at California Substance Abuse Treatment Facility on February 23, 2024. (*See* Docket). On March 6, 2023, Plaintiff filed a notice of change of address. (ECF No 102). On March 7, 2023, the Court re-served the Court's discovery order (ECF No. 100) and the Court's findings and recommendations on summary judgment (ECF No 101). (*See* Docket). On March 20, 2024, the Court's discovery order (ECF No. 100) was returned as undeliverable. The Court has confirmed with the Clerk's Office that the undelivered mail was returned from California Substance Abuse Treatment Facility.